

Applicant : Stephen W. Pettit
Appl. No. : 09/753,910
Examiner : Vanel Frenel
Docket No. : 706737.36

REMARKS

Reconsideration of the present application is requested.

It is noted in the Office Action Summary that "Claims 1-20 are rejected," but the body of the Office Action ends up rejecting Claims 1 through 58, all of which exist in the application.

The primary intent of the present application is a method and apparatus to provide the ability to easily identify the product being administered to a patient, download information from the product, secured by the manufacturer, and ultimately track the product through the supply chain.

Unfortunately, physician offices commonly make mistakes in recording the lot number, expiration date, manufacturer, source of the product (either direct from a manufacturer or through other sources), and the specific NDC product code. This information is considered critical due to the high rates of side effects, product recalls and other complications seen in normal medical care.

The linking of the patient to a specific product, and having a machine readable method source of information on the product container is designed to eliminate human error and improve compliance of entering the necessary data, while being able to track, monitor, and use the data in a variety of potential applications, including but not limited to:

patient side effects

immunization rates nationally

immunization rates locally

patient recall for follow-up

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manufacturer variance and product use, and

insurance reporting and office compensation.

Turning to the claim rejections, and first to the Section 103 rejection of Claims 1-7 as being unpatentable over Walker and the Szilagyi article, it is respectfully submitted that the cited art is irrelevant to the present concepts and claims. In all due respect, it appears that the Examiner apparently has misread and misinterpreted the disclosure of Walker and unfortunately misstates what it discloses. The Examiner on page 2 first states that Walker discloses attaching a machine-readable communications device to an immunization product package. There is absolutely no such disclosure; Walker is not directed toward attaching any device to a product, nor is Walker directed to a medical product to which a machine readable label could be attached. The disclosure in Walker is strictly a patient tracking tool, utilizing a patient chart as a means of tracking patient information immunization rate. The use of stickers and a highly specialized chart has no relevance whatsoever to the ability to successfully download off the product the key product information and is not at all envisioned in the Walker patent.

Furthermore, the Szilagyi article also is completely irrelevant to the present invention and claims. The confusion may stem from the mention of immunization registries in the article, which is not new and generally have not been successfully implemented because of many technology hurdles. The article is primarily directed to providing the capability of recalling and monitoring patient compliance. The present invention is not directed to recalling patients, but on the other hand, the ability to use automated methods to record the manufacturer's information with lower risk of health care provider error.

Turning to the rejection of Claims 8 through 58 on Walker and Szilagyi further with the Boyer patent, it is respectfully submitted that the tendered rejection is in appropriate and not applicable for the foregoing reasons about the

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lack of relevance of Walker and the Szilagyi article.

All of the present claims are directed to methods and apparatus including attaching a machine-readable communications device on an immunization product package, and the data including certain information with regard to the product, entering data read from the device to a tracking file, and entering patient identification and administration information (method claims), and the system claims are directed to medical product data in a machine-readable communications device on a medical product package entering data read from the device and entering patient information. Nothing of this nature is disclosed in the cited art; there is no machine readable device applied to nor on a medicine package, and reading data therefrom as claimed.

Favorable reconsideration is requested, and a Notice of Allowance is earnestly solicited.

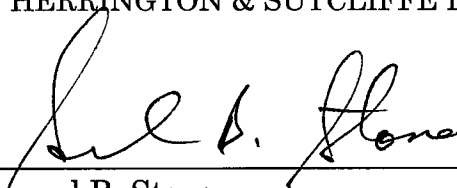
Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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